

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	File Number EB-02-KC-0549
)	
St. Louis Mobile System Inc.)	NAL/Acct. No.200232560023
Owner of Antenna Structure at Latitude 38° 17' 31")	
North and Longitude 91° 41" 50' West, near Belle,)	FRN 0005-9463-55
Missouri)	
Rolla, Missouri)	

NOTICE OF APPARENT LIABILITY FOR FORFEITURE

Released: August 20, 2002

By the Enforcement Bureau, Kansas City Office:

I. INTRODUCTION

1. In this *Notice of Apparent Liability for Forfeiture* ("NAL"), we find St. Louis Mobile System Inc., owner of an unregistered antenna structure located at 38° 17' 31" North Latitude and 91° 41" 50' West Longitude, near Belle, Missouri, apparently liable for a forfeiture in the amount of three thousand dollars (\$3,000) for willful and repeated violation of Section 17.4(a) of the Commission's Rules ("Rules").¹ Specifically, we find St. Louis Mobile System Inc. apparently liable for failing to register its antenna structure.

II. BACKGROUND

2. On June 18, 2002, an agent of the Commission's Kansas City Field Office inspected an antenna structure at or near the geographical coordinates 38° 17' 31" North Latitude and 91° 41" 50' West Longitude, near Belle, Missouri. The antenna structure was approximately 385 feet in height. There was no Antenna Structure Registration ("ASR") number posted at the gate leading to the antenna structure or the fencing surrounding the antenna structure.

3. On July 15, 2002, a search of the FCC ASR database revealed no antenna structure registered at or near the geographical coordinates 38° 17' 31" North Latitude and 91° 41" 50' West Longitude, near Belle, Missouri.

4. Subsequent investigation found the owner to be St. Louis Mobile Systems with Mr. William (Bill) G. Bowles, Jr. as the contact. The investigation also confirmed that the antenna structure is unregistered.

III. DISCUSSION

¹ 47 C.F.R. § 17.4(a).

5. Section 17.4(a) requires the owner of an antenna structure that requires notice to the Federal Aviation Administration (“FAA”) to register the antenna structure with the Commission. St. Louis Mobile System Inc.’s antenna structure requires FAA notification because it exceeds 200 feet in height.² From 1996 to July 17, 2002, St. Louis Mobile System Inc. failed to register its antenna structure located at or near 38° 17' 31" North Latitude and 91° 41' 50" West Longitude, near Belle, Missouri.

6. Based on the evidence before us, we find St. Louis Mobile System Inc. willfully³ and repeatedly⁴ violated Section 17.4(a) of the Rules by failing to register its antenna structure.

7. Pursuant to Section 1.80(b)(4) of the Rules,⁵ the base forfeiture amount for failure to register the antenna structure (failure to file required forms or information) is \$3,000. In assessing the monetary forfeiture amount, we must also take into account the statutory factors set forth in Section 503(b)(2)(D) of the Communications Act of 1934, as amended (“Act”), which include the nature, circumstances, extent, and gravity of the violation, and with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other such matters as justice may require.⁶ Considering the entire record and applying the factors listed above, this case warrants a \$3,000 forfeiture.

IV. ORDERING CLAUSES

8. Accordingly, IT IS ORDERED THAT, pursuant to Section 503(b) of the Act,⁷ and Sections 0.111, 0.311 and 1.80 of the Rules,⁸ St. Louis Mobile System Inc. is hereby NOTIFIED of this APPARENT LIABILITY FOR A FORFEITURE in the amount of three thousand dollars (\$3,000) for willful and repeated violation of Section 17.4(a) of the Rules by failing to register its antenna structure.

9. IT IS FURTHER ORDERED THAT, pursuant to Section 1.80 of the Rules, within thirty days of the release date of this *NAL*, St. Louis Mobile System Inc. SHALL PAY the full amount of the proposed forfeiture or SHALL FILE a written statement seeking reduction or cancellation of the proposed forfeiture.

10. Payment of the forfeiture may be made by mailing a check or similar instrument, payable to the order of the Federal Communications Commission, to the Forfeiture Collection Section, Finance Branch, Federal Communications Commission, P.O. Box 73482, Chicago, Illinois 60673-7482. The payment should note the *NAL*/Acct. No. and FRN referenced above. Requests for payment of the full amount of this *NAL*

² See 47 C.F.R. § 17.7(a).

³ Section 312(f)(1) of the Act, 47 U.S.C. § 312(f)(1), which applies to violations for which forfeitures are assessed under Section 503(b) of the Act, provides that “[t]he term ‘willful’, when used with reference to the commission or omission of any act, means the conscious and deliberate commission or omission of such act, irrespective of any intent to violate any provision of this Act” See *Southern California Broadcasting Co.*, 6 FCC Rcd 4387-88 (1991).

⁴ The term “repeated,” when used with reference to the commission or omission of any act, “means the commission or omission of such act more than once or, if such commission or omission is continuous, for more than one day.” 47 U.S.C. § 312(f)(2).

⁵ 47 C.F.R. § 1.80(b)(4).

⁶ 47 U.S.C. § 503(b)(2)(D).

⁷ 47 U.S.C. § 503(b).

⁸ 47 C.F.R. §§ 0.111, 0.311, 1.80.

under an installment plan should be sent to: Chief, Revenue and Receivables Operations Group, 445 12th Street, S.W., Washington, D.C. 20554.⁹

11. The response, if any, must be mailed to Federal Communications Commission, Office of the Secretary, 445 12th Street SW, Washington DC 20554, Attn: Enforcement Bureau-Technical & Public Safety Division and MUST INCLUDE THE NAL/Acct. No. referenced above.

12. The Commission will not consider reducing or canceling a forfeiture in response to a claim of inability to pay unless the petitioner submits: (1) federal tax returns for the most recent three-year period; (2) financial statements prepared according to generally accepted accounting practices (“GAAP”); or (3) some other reliable and objective documentation that accurately reflects the petitioner’s current financial status. Any claim of inability to pay must specifically identify the basis for the claim by reference to the financial documentation submitted.

13. IT IS FURTHER ORDERED THAT a copy of this NAL shall be sent by regular mail and Certified Mail Return Receipt Requested to St. Louis Mobile System Inc., PO Box 405, Rolla, Missouri 65402-0405.

FEDERAL COMMUNICATIONS COMMISSION

Robert C. McKinney
District Director, Kansas City Office, Enforcement Bureau

⁹ See 47 C.F.R. § 1.1914.